

ASSEMBLY, No. 1245

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Requires certain notice to be provided by public utility, county, or municipality prior to initiating certain infrastructure projects.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain local unit and public utility
2 infrastructure projects and supplementing Title 48 of the Revised
3 Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Board” means the New Jersey Board of Public Utilities or its
11 successor agency.

12 “Emergency” means any time a public utility service is
13 interrupted or in immediate danger of being interrupted by the
14 elements or by any other cause or when the condition of the
15 equipment of the public utility is in need of immediate repair to
16 prevent injury to persons or damage to property.

17 “Local infrastructure project” means a project performed by a
18 local unit or a local utility to improve local public roads, streets,
19 bridges, public transportation or local utility facilities, or any work
20 conducted in a public utility right-of-way.

21 “Local unit” means “local unit” as defined in R.S.40A-1.

22 “Local utility” means a sewerage authority created pursuant to
23 the “sewerage authorities law,” P.L.1946, c.138 (C.40:14A-1 et
24 seq.), a utilities authority created pursuant to the "municipal and
25 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et
26 seq.), an entity created pursuant to the “Municipal Shared Services
27 Energy Authority Act,” P.L.2015, c.129 (C.40A:66-1), or a utility,
28 authority, commission, special district, or other corporate entity not
29 regulated by the Board of Public Utilities under Title 48 of the
30 Revised Statutes that provides gas, electricity, heat, power, water,
31 or sewer service to a municipality or the residents thereof.

32 “Public utility” means “public utility” as defined in R.S.48:2-13.

33 “Public utility infrastructure project” means the construction,
34 reconstruction, installation, demolition, restoration, and alteration
35 of facilities of the public utility that requires approval by the board,
36 but does not include temporary traffic control, leak surveying, snow
37 plowing, vegetation management in and around public utility rights-
38 of-way, mark outs, landscaping, meter work, and emergency
39 repairs.

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41 2. a. A public utility shall notify a local unit of any public
42 utility infrastructure project that the public utility plans to undertake
43 within the borders of that local unit at least six months prior to
44 initiating work on the public utility infrastructure project. The
45 notice shall include a summary of the purpose and scope of the
46 public utility infrastructure project, a public utility infrastructure

1 project schedule, and a map of the public utility infrastructure
2 project location.

3 b. Notwithstanding the notification requirements of subsection
4 a of section 3 of P.L. (C.)(pending before the Legislature as
5 this bill), within 30 days of the receipt of the notice required
6 pursuant to subsection a. of this section, a local unit shall notify the
7 public utility of its intent to construct a local infrastructure project
8 within the scope of the public utility infrastructure project. The
9 local unit and public utility shall coordinate to provide timely
10 notification of any changes to their respective project plans or
11 schedule and, when feasible, to jointly establish a timeframe for
12 scheduled work.

13 c. A public utility, upon completing a public utility
14 infrastructure project that requires road, street, or highway
15 excavation work in a local unit, shall restore the road, street, or
16 highway to the condition that is required pursuant to ordinance in
17 that local unit or to a condition which has been agreed upon by the
18 public utility and the local unit.

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20 3. a. A local unit shall notify each public utility that provides
21 service within its borders of any local infrastructure project that the
22 local unit plans to undertake at least one calendar year prior to
23 initiating work on the local infrastructure project. The notice shall
24 include a summary of the purpose and scope of the local
25 infrastructure project, a local infrastructure project schedule, and a
26 map of the local infrastructure project location.

27 b. Notwithstanding the notification requirements of subsection
28 a of section 2 of P.L. (C.)(pending before the Legislature as
29 this bill), within 30 days of the receipt of the notice required
30 pursuant to subsection a. of this section, a public utility shall notify
31 the local unit of its intent to construct a public utility infrastructure
32 project within the scope of the local infrastructure project. The local
33 unit and public utility shall coordinate to provide timely notification
34 of any changes to their respective project plans or schedule and,
35 when feasible, to jointly establish a timeframe for scheduled work.

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37 4. Notwithstanding any provisions of the "Administrative
38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
39 contrary, the Board of Public Utilities, in consultation with the
40 Department of Community Affairs, shall promulgate rules and
41 regulations necessary to effectuate the purposes of P.L. (C.)
42 (pending before the Legislature as this bill).

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44 5. This act shall take effect on the 180th day after the date of
45 enactment.

STATEMENT

This bill provides that a public utility regulated by the Board of Public Utilities and a “local unit,” as that term is defined in the bill, are to notify each other within six months and one calendar year, respectively, of an infrastructure project the public utility or local unit plans to undertake. The notice is to include a summary of the purpose and scope of the infrastructure project, the infrastructure project schedule, and a map of the infrastructure project location.

Within 30 days of the receipt of the required notice, a local unit or public utility is to notify the other of its intent to construct an infrastructure project within the scope of the other’s infrastructure project. The bill requires the local unit and public utility to coordinate to provide timely notification of any changes to their respective project plans or schedule and, when feasible, to jointly establish a timeframe for scheduled work.

Finally, the bill requires a public utility, upon completing a project that requires road, street, or highway excavation work in a local unit, to restore the road, street, or highway to the condition that is required pursuant to the ordinance of that local unit or to a condition which has been agreed upon by the public utility and the local unit.